

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 EUGENE DIVISION

4 THE HON. MICHAEL J. McSHANE, JUDGE PRESIDING

5
6
7 UNITED STATES OF AMERICA,)

8 Government,)

9 v.)

No. 6:14-cr-00482-MC-1

10 DANIEL STEPHEN JOHNSON,)

11 Defendant.)

12
13
14 REPORTER'S TRANSCRIPT OF PROCEEDINGS

15 EUGENE, OREGON

16 MONDAY, MAY 7, 2018

17 VOLUME 5A MORNING SESSION

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DIRECT

291

PROCEEDINGS

MONDAY, MAY 7, 2018

THE COURT: All right. Ms. Pew said there might be some preliminary matters we need to discuss?

MR. WEINERMAN: Yes, Judge.

THE COURT: Yes. For the defense.

MR. WEINERMAN: So, Judge, the government is going to offer -- I am not sure -- can you help me, Counsel?

MR. SWEET: Exhibit 163.

MR. WEINERMAN: It's Exhibit 163. I think we had submitted to the court some things so you could follow our objections to a document that says "Johnson 02416" at the bottom. I am not sure if the court has that.

THE COURT: I don't have it. I am sorry.

MR. WEINERMAN: I think we had one, actually, if you don't.

THE COURT: I have it now.

MR. WEINERMAN: So, Judge, maybe I should just go along.

This is chats, Facebook chats between Daniel Johnson and BT XXXXXXXX. And BT XXXXXXXX is going to be the next witness. And there are things that we disagree with.

So at the very top of the first page there's a portion that says -- and I think it's highlighted in yellow for the court, starting with "And."

09:11:32 1 THE COURT: Mm-hmm.

2 MR. WEINERMAN: So this is something that we
3 think, under the rule of completeness, should come in. And
4 it also adds context for what they were talking about. Were
5 they talking about Daniel Johnson alleging sexually abusing
6 kids or were they talking about problems involving CC XXXXXX
7 and SO XXXXXXXX regarding sexuality. I know this brings in
8 the Evidence Code 412 issues, but it just seems to me that
9 this adds context to the discussion. And it is our
10 contention that's what is the subject of this conversation
11 going forward and not that Daniel Johnson had engaged in
12 sexual abuse.

13 So I don't know if the court wants to hear from
14 the government before I go on with my other objections, but
15 that's the first one.

16 THE COURT: Okay. This is the first page of
17 the --

18 MR. SWEET: No, it's not, Your Honor. There
19 should be an exhibit sticker 163. It has a large black
20 section on half of it, Your Honor.

21 So what the court's looking at is marked as
22 Page 2416, so it's about halfway back into that document.
23 And that's where the first defense objection is.

24 Just for a little context, Your Honor, earlier in
25 this rather lengthy series of kind of an ongoing

09:12:54 1 conversation between BT XXXXXXXX and Mr. Johnson, BT XXXXXXXX
2 directly says to Mr. Johnson, "I knew" -- I am just going to
3 read what he wrote.

4 "I knew long time already that you had sexual
5 abuse to the kids but I didn't want to defile you."

6 So the sex abuse of children by Mr. Johnson is
7 directly at issue and BT XXXXXXXX has confronted Mr. Johnson
8 about that. And so then what follows is a series of kind of
9 back-and-forth about that.

10 In terms of the statement that the defense wants
11 to remove on Page 2416, frankly, it is a little ambiguous as
12 to whether it's talking about Mr. Johnson abusing CC X and
13 SO XXX or whether it's involving the 412 issues. It just
14 says, you know, CC X and SO XXX's sexuality issue. But then
15 they were afraid that Mr. Johnson would be judged by the
16 law.

17 I understand about providing context to other
18 things. I would note, Your Honor, there are significant
19 other portions of this exhibit that the parties have agreed
20 to redact. Those also provide context but they also touch
21 on matters that aren't relevant to the jury.

22 So because of the ambiguity, we are asking that
23 that be kept out.

24 THE COURT: Okay. How quickly are you planning on
25 moving to introduce the document?

09:14:08 1 MR. SWEET: Your Honor, it would probably be
2 within 45 minutes or so. And I believe that's something
3 that we can do -- we can't change the paper copy this
4 second, but we can certainly change what gets published for
5 both BT XXXXX and for the jury.

6 THE COURT: Okay.

7 Are there other areas of documents?

8 MR. WEINERMAN: Yes, Judge. So -- and I am sorry.
9 I just looked at this, and I have an additional objection
10 which I haven't shared with counsel.

11 But having read this more closely, the same page,
12 I'd say maybe about six, seven lines down, starting with
13 "About my dad, you had told me you had spent general
14 ministry money." And it goes all the way down to, I would
15 say where this ends -- you know, again, I am sorry. We
16 don't have lined paper here. But the sentence where it ends
17 is, "I was there. I had planned to leave the center when I
18 finished high school from the time."

19 So what this is is accusations by BT XXXXXXXX that
20 Daniel misused, mismanaged -- Mr. Johnson, I am sorry --
21 mismanaged money regarding a bakery and paying bills of his
22 father. By that I mean BT XXXXXXXX's father, who apparently
23 had some medical issues and was taken to a doctor. And
24 BT XXXXXXXX was accusing Daniel Johnson of not having paid
25 the bill.

09:15:27 1 It just seems that this is not relevant and the
2 court should not allow this in. It confuses issues. We are
3 getting involved in money, and we have a response
4 particularly as to the issue of the bakery. So do we really
5 need for this trial to detour into a dispute between people
6 over whether a bill was paid or whether money was used for a
7 bakery.

8 So that would be our objection.

9 THE COURT: The government's view on that?

10 MR. SWEET: Your Honor, the government has no
11 particular concern about redacting that part. I do want to
12 make sure I understand which part counsel is talking about
13 redacting. I assume the "about my dad"?

14 MR. WEINERMAN: Yes, about my dad.

15 And then I would say --

16 *(Counsel conferred.)*

17 MR. WEINERMAN: No, if the government's agreeing
18 to it, I don't think --

19 MR. SWEET: If I could have a minute.

20 And, Your Honor, the only other thing I will note
21 is there are a few more we have to discuss. I know it's a
22 lengthy document, but because there is sort of a -- there is
23 a -- a lot of these are interconnected, once we do make our
24 argument, perhaps should we give the court a few minutes to
25 just review the document and see if it's -- in its entirety.

09:16:43 1 THE COURT: I think so. I am going to have to put
2 them in some kind of context, so it will take me a little
3 time to read that.

4 All right.

5 MR. WEINERMAN: Do you want me to go on to the
6 next one?

7 THE COURT: Yes.

8 MR. WEINERMAN: Next page of mine says 2420 at the
9 bottom. We are asking that the government remove -- this is
10 the end of the second line. This is absolute -- "There is
11 absolutely nothing in Vietnam."

12 And then I don't know if the next line is in or --
13 yes. And then the next line, "I know that the detective is
14 working very hard to make a case because they do not have a
15 strong enough case against me and they face big problems if
16 they cannot convict me."

17 And then I think, "I will not make any problems
18 for them."

19 And then the last line, "They are trying all the
20 lies to people they can get to turn against me and I know
21 that some of the folks from Skyline was involved with the
22 detective before any problem in Cambodia."

23 So this refers to Detective Harrison and the
24 investigation that was going on in the United States. And
25 that's something that, at least up until this point, the

09:17:49 1 court has ruled is not coming in. And it just seems to me
2 that this is opening the possibility the jury is going to
3 speculate about what was going on with the detective and
4 what were they investigating. So we believe that that
5 should be removed as well.

6 MR. SWEET: Thank you, Your Honor.

7 Your Honor, regarding, "There's absolutely nothing
8 in Vietnam," I believe twice Mr. Johnson, after being
9 confronted with sexually abusing children in Cambodia, says
10 there's nothing in Vietnam. And he later says there's
11 nothing in the USA. He never says there's nothing in
12 Cambodia. And so the fact that he's highlighting other
13 countries in which he is denying abuse I think makes all the
14 more significant his non-denial of abuse in Cambodia.

15 So as far as the, "There is absolutely nothing in
16 Vietnam," we would very much ask that that remain.

17 In terms of the part regarding the folks from
18 Skyline, I am fine removing the part about, you know, who it
19 was that was trying to figure out what was going on, the
20 folks from skyline.

21 But, again, I would note the "before any problem
22 in Cambodia," that's kind of a funny thing to say. "The
23 problem in Cambodia." It's almost like a passive thing, and
24 there's no denial associated with that. So certainly the
25 "before any problem in Cambodia," and the sentence before

09:19:06 1 that.

2 THE COURT: Can you help me out where that is?
3 I'm sorry.

4 MR. SWEET: I am sorry, Your Honor.

5 So the first line of black, Your Honor, on Page
6 2420.

7 Oh, I see, Your Honor. I am sorry. This will
8 be -- we are switching between the marked Exhibit 163 and
9 the three-page sheet.

10 On Page 2420, the first line of black. It's about
11 two, three, four, five -- about five and six lines down.

12 "They are trying all the lies to people they can
13 get to turn against me, and I know that some of" -- then
14 "folks from Skyline," we're fine removing that -- "was
15 involved with before any problem in Vietnam."

16 And I believe Mr. Weinerman had a sentence above
17 that that I was fine redacting, but I don't think that was
18 on the list that we discussed earlier.

19 THE COURT: All right. Can you give me the exact
20 line, Mr. Weinerman? I am sorry.

21 MR. WEINERMAN: Well, what we are asking to be
22 removed is, "There's absolutely nothing in Vietnam." It
23 just causes the jury to speculate about if there was
24 anything in Vietnam.

25 And, again, there's a lot of text that we have

09:20:14 1 consumed, but I just don't recall Vietnam being raised as an
2 issue in any way, shape, or form. And it's just going to
3 cause the jury to speculate about what this really means.

4 I see that the government has redacted
5 "detective," but, again, it turns it into an incomplete
6 statement. And we are concerned that, again, it's going to
7 cause the jury to speculate.

8 So that is our objection to that part.

9 And I think we reached an agreement on another
10 part down below, starting with, "Now I am at the lowest
11 point in my life" or "absolute lowest point in my life." I
12 believe the government has agreed to keep that in at our
13 request.

14 MR. SWEET: That is correct, Your Honor. That is
15 turning back to the defense three-page document. We are
16 fine. We are -- I think we have already added that back in.

17 And my one comment on 2420, the part about, "I
18 know that" -- the detective is blacked out -- "is working
19 very hard to make a case."

20 You know, frankly, I feel less strongly about that
21 than "there's absolutely nothing in Vietnam" and then "any
22 problem in Cambodia." I think if we remove just that one
23 middle sentence it wouldn't significantly change things and
24 that middle sentence being, "I know that Detective Harrison
25 is working very hard to make a case there because they did

09:21:26 1 not have a strong enough case against me."

2 THE COURT: To me it seems still like he's simply
3 trying to convince one of the alleged victims or witnesses
4 in the case of his innocence and is making attempts to
5 manipulate the witness into believing him and that all of
6 this becomes relevant, what he is telling the witness.

7 So the issue regarding nothing in Vietnam and
8 before any problem in Cambodia, it seems to me those are --
9 would come in as admissions. The fact that others are
10 trying to build a case against him simply goes towards his
11 overall conversation with the witness that none of this is
12 true. And I think his attempts at trying to convince the
13 witness and trying to get the witness to testify accordingly
14 come in.

15 So with regards to the objections on 2420, I will
16 overrule the objections.

17 MR. SWEET: And then, Your Honor, the government
18 will redact the "folks from Skyline" part as we told the
19 defense --

20 *(Reporter interrupted.)*

21 MR. SWEET: Redact the statement "the folks from
22 Skyline" from 2420, which we told them we would.

23 MR. WEINERMAN: So next, Judge, is the following
24 page. I think we are up to page 2421.

25 THE COURT: Okay.

09:22:52 1 MR. WEINERMAN: I think.

2 And the first part that we are asking be stricken
3 is, again, this reference to the folks from Skyline. "I
4 know that the folks from Skyline had been pushing from the
5 start to answers." You know, again, I don't believe that
6 the jury is going to hear any evidence from anybody from
7 Skyline about concerns they may have. And, again, this --
8 we feel it is not relevant and it's prejudicial because it
9 causes the jury to speculate about exactly what they are
10 talking about.

11 So that's -- we are asking the court to strike
12 that.

13 And we are also -- and I understand, based on the
14 court's ruling about Vietnam, the court is probably going to
15 rule the same way in this one. But I feel we have to make a
16 record. And that is, "I tell you I did nothing in the USA."

17 And I understand the government's argument here.
18 But, you know, again, allegations in the USA have been cut
19 out of the case pretty much, the Detective Harrison piece
20 and all the other things about alleged wrongdoing in the
21 United States.

22 And it just seems to inject an issue that the
23 court has previously said shouldn't come in, and we have
24 agreed to abide by that. And now, all of a sudden, the jury
25 is reading something about something going on in the U.S.

09:24:19 1 "I did nothing in the USA."

2 It could have been anything. It could have been
3 sex abuse. It could have been anything else. So we think
4 it's speculative and that should come out.

5 And then the last piece on this page, we think the
6 court should strike after the word "Vietnam" -- yes. After
7 "Vietnam" -- I am sorry. Let me just read the whole thing.
8 It's about the middle of the page.

9 It starts with, "And that's all I am trying to do
10 right now is the Christ-like thing. I assure you there's
11 nothing in Vietnam. That is another one of his lies."

12 And I think what Mr. Johnson is referring to there
13 is Detective Harrison. Again, that potentially causes some
14 speculation. We think that the relevancy is minimal, so.

15 All right. So I stand corrected. I have just
16 been told "that is another one of his lies" is coming out.
17 And I am sorry to take the court's time on that.

18 THE COURT: Yes. All right. So that comes out,
19 that line.

20 But the lines regarding "I tell you I did nothing
21 in the USA" and "there is nothing in Vietnam" would come in
22 as part of his overall statement.

23 MR. WEINERMAN: Thank you, Judge.

24 So now we are on the next page.

25 THE COURT: Wait. Hold on a second. There is

09:25:48 1 this issue about -- I guess I don't understand what Skyline
2 is.

3 MR. SWEET: Skyline is a church in Coos Bay, Your
4 Honor.

5 So the government is fine removing the phrase
6 "folks from Skyline" on Page 2421. I don't think it really
7 matters one way or another, so we are happy to take that
8 out. And we will take out the line, "That is another of his
9 lies."

10 And I would just note, Your Honor -- and, again, I
11 think after we give the court a minute to read this in
12 context, it's -- what this follows is BT XXXXXXXX immediately
13 above saying, "What did I do wrong? I just told you the
14 truth about what I saw and experienced with you in
15 Cambodia."

16 That is the line, couple lines immediately above
17 this section, which is why, when Mr. Johnson says, "I am not
18 saying anyone is wrong. I am just saying this might not be
19 the wrong spirit -- "I am saying this might be the wrong
20 spirit in the situation based on scripture. I did nothing
21 in the USA."

22 It doesn't matter whether it's the USA or France.
23 It's the fact that he's naming countries but not naming
24 Cambodia.

25 And I would note, Your Honor, I don't believe the

09:26:48 1 court ever explicitly ruled that the parties cannot address
2 the Oregon side of the case. I think the court just advised
3 defense of the perils if they do so.

4 THE COURT: Correct.

5 All right. I will allow in those lines on 2421
6 with the redactions that have been agreed to by the
7 government.

8 Is there anything else?

9 MR. WEINERMAN: No, Judge.

10 THE COURT: So that really just leaves the one
11 line on 2416. "And I also told you about CC X and SO XXX's
12 sexuality issue that we were so afraid to tell you and that
13 you will be judged by the law."

14 MR. SWEET: And I am sorry, was there a question,
15 Your Honor? I am sorry. I missed that part.

16 THE COURT: That's the one line I haven't ruled
17 on, on 2416.

18 MR. SWEET: That's correct, Your Honor.

19 And, again, the government does believe there's
20 ambiguity. And Your Honor, I do think just because of
21 curtain -- I know we -- this is a large document. We have
22 kind of sprung on it the court. We are happy to give the
23 court whatever time it needs to kind of review it because it
24 is essentially one flowing, interconnected conversation,
25 once we start about December 15th through -- throughout.

09:28:01 1 And so it's very much related.

2 THE COURT: Well, let me try to put that in
3 context. I will read the rest of the document, and I should
4 be able to rule on it fairly quickly once we get going.

5 So I think we can bring the jury in; go ahead and
6 start with our witness.

7 MR. SWEET: Thank you, Your Honor.

8 And, Your Honor, one last brief thing, if I may.
9 We are going to be using the same interpreter for BT XXXXX.
10 Once we hit approximately the hour mark, would it be
11 acceptable to the court just to take a break?

12 THE COURT: Certainly. You might need to remind
13 me.

14 MR. SWEET: Yes, Your Honor.

15 THE COURT: Also, apparently the county is trying
16 to get ahold of me over the whooping cough issue, and so I
17 have told them that if there's a call I will take it this
18 morning. I mean, I will be honest with you. They are
19 telling me that I am not supposed to be in a public setting,
20 but I think I can convince them otherwise.

21 So we'll see. I have read, at least, if I am on
22 antibiotics for more than five days I am not supposed to be
23 transmittible. So -- but apparently they are concerned. My
24 doctor called over the weekend to say that they would be
25 calling. So I do want to make sure I am talking to them and

09:29:41 1 not having them come in and wonder what's going on.

2 *(Jury in.)*

3 THE COURT: All right. Please be seated,
4 everyone.

5 Hi, folks. Good morning. Welcome back to the
6 courthouse. I hope you had a good weekend. We are going to
7 jump right into the testimony. We are going to have the
8 government call their next witness.

9 MR. SWEET: Thank you, Your Honor. The government
10 calls BT XXXXXXXX.

11 THE COURT: All right. All right. BT XXXXXX, if
12 you would like to step up to the witness stand here to my
13 left. You can go ahead and step up the stairs. Remain
14 standing for just a moment and you will be sworn in.

15 THE CLERK: Please raise your right hand.

16 *(The witness was sworn.)*

17 THE CLERK: Please be seated. State your name for
18 the record, spelling your first and last.

19 MR. SWEET: Excuse me, Your Honor. I think we
20 have some interpreter confusion. I think the discussion
21 was -- I am sorry. Rithy. I can't remember his last name.

22 Sir, I apologize. I think that was who I was
23 dealing with.

24 THE COURT: All right. Thank you.

25 BT XXXXXX, let's touch base. You speak some

09:31:54 1 English, correct?

2 THE WITNESS (By the interpreter): Yes.

3 THE COURT: All right. It is important that you
4 listen to Mr. Sweet's question. Even if you understand it
5 in English, please wait until you have the translation and
6 answer in your first language. Okay?

7 THE WITNESS (By the interpreter): Yes.

8 THE COURT: All right. And have you had an
9 opportunity to talk with the translator at all earlier?

10 THE WITNESS (By the interpreter): Not this
11 morning.

12 THE COURT: Okay. Are you having any difficulty
13 understanding anything now?

14 THE WITNESS (By the interpreter): No. I -- I
15 actually have good relationship.

16 THE COURT: Okay.

17 All right. Go ahead, then, Mr. Sweet.

18 MR. SWEET: Thank you, Your Honor.

19 **DIRECT EXAMINATION**

20 BY MR. SWEET:

21 Q. And BT XXXXX, could you please state your full name.

22 A. (By the interpreter) My name is BT XXXX. My last name
23 is BT X.

24 Q. And do you have a nickname?

25 A. (By the interpreter) Yes. My nickname is BT XX.

09:33:08

1 Q. And so in this case, when we hear people talk about a
2 BT XX or BT XXXXXXXX, is that referring to you?

3 A. (By the interpreter) Yes.

4 Q. And just to keep things uniform, is it all right if I
5 call you BT XX today?

6 A. (By the interpreter) Yes.

7 Q. Could you tell us where you were born, please.

8 A. (By the interpreter) I was born in Phnom Penh.

9 Q. And what is your birth date, please?

10 A. (By the interpreter) My birth date on the passport,
11 they put it down XXXXXXXXXXXXXXXX, 1990.

12 Q. And I am going to show you what's marked as
13 Government's Exhibit 228, and it should appear on the screen
14 on your left. And while that's coming up, let me ask you
15 one question.

16 You said the date on your passport is
17 XXXXXXXXXXXXXXXX, 1990.

18 Is there another birth date that you have also
19 used?

20 A. (By the interpreter) Yeah. The day and the month were
21 correct. But then the year, it was 1991 because they issued
22 it incorrectly.

23 Q. And so can you see the passport on the screen to your
24 left?

25 A. (By the interpreter) Yes.

09:35:10 1 MR. WEINERMAN: Judge, we are not getting it on
2 counsel table.

3 MS. BRITSCH: Excuse me, Your Honor.

4 THE COURT: All right.

5 MR. WEINERMAN: We have it now.

6 THE COURT: Okay.

7 BY MR. SWEET:

8 Q. And other than the year being 1991, does that look
9 correct?

10 A. (By the interpreter) Yes, it --

11 MS. BRITSCH: Your Honor, I am sorry to interrupt
12 again, but it looks like now the jury can't see the exhibit
13 even though counsel can. I apologize.

14 THE COURT: All right.

15 THE WITNESS (By the interpreter): Yes, everything
16 is correct.

17 THE COURT: Up now?

18 THE JURORS: (*Nodded heads.*)

19 MR. SWEET: Okay. Thank you.

20 BY MR. SWEET:

21 Q. And BT XX, where did you grow up, please?

22 A. (By the interpreter) I was born in Boeung Trabek at the
23 city of Phnom Penh.

24 Q. Okay. And is that where you grew up as a child?

25 A. (By the interpreter) Yes.

09:36:14 1 Q. And could you tell us about your family, please. How
2 many members of your family?
3 A. (By the interpreter) I have four biological siblings,
4 and then my parents are still alive.
5 Q. And where do you live now, please?
6 A. (By the interpreter) Right now I am living in
7 Beaverton.
8 Q. Okay. And Beaverton, Oregon, correct?
9 A. (By the interpreter) Yes.
10 Q. And when did you come to the United States?
11 A. (By the interpreter) I came to the U.S. in 2013, the
12 month of August.
13 Q. And what brought you here?
14 A. (By the interpreter) Yeah. It was in August.
15 So I went through the experimental program. So
16 it's through the volunteer work.
17 Q. And what -- what kind of program is it? What were you
18 doing when you first came to the U.S.?
19 A. (By the interpreter) So it was a program that had
20 something do with agriculture. So when I first came in I
21 worked at a garden and also the greenhouse.
22 Q. And what are you doing now, please?
23 A. (By the interpreter) Right now I am working at a store
24 that sell different things.
25 Q. Are you also in school?

09:38:20

1 A. (By the interpreter) Yes, I am going to school.

2 Q. Okay. BT XX, do you know Daniel Johnson?

3 A. (By the interpreter) Yes, I do.

4 Q. And when did you first meet him, please, approximately?

5 A. (By the interpreter) I met him in around 2016.

6 Q. And where did you meet him?

7 INTERPRETER LIM: I'm sorry. Correction. The
8 interpreter make a mistake. 2006.

9 BY MR. SWEET:

10 Q. And where did you meet him, please?

11 A. (By the interpreter) I met him at his house that had a
12 program called coffee house.

13 Q. And how did you come -- how did that come about? What
14 led you to the coffee house?

15 A. (By the interpreter) At the time I had a friend who was
16 going to the university, and he asked me if I wanted to
17 learn English without -- you know, for free. And I wanted
18 to do that because I didn't really have any money.

19 Q. And did you speak any English at that time?

20 A. (By the interpreter) At that time I just knew a few
21 words.

22 Q. And so you went to the coffee house, and what was
23 Mr. Johnson's role in the coffee house?

24 A. (By the interpreter) At that time I knew that he was
25 the administrator. And so when kids came in, you know, like

09:40:33 1 that, he would distribute food and cookies and things like
2 that.

3 Q. And did you start to go regularly to the coffee house?

4 A. (By the interpreter) Yes, I went because there were,
5 like, class programs and courses. And then also I get
6 something to eat and drink.

7 Q. And at some point did you and your friends begin to
8 sometimes spend the night at Mr. Johnson's?

9 A. (By the interpreter) Yes.

10 Q. And at that point do you recall what grade you were in
11 or what grade you were going to go into?

12 A. (By the interpreter) At that time I was in eighth grade
13 going on to be ninth.

14 Q. And did you have money for school?

15 A. (By the interpreter) At that time we were really, like,
16 poor. We didn't have any money to pay for the teacher.

17 Q. Okay. And so is there -- is there a way that you
18 started to earn some money?

19 A. (By the interpreter) So, yes, at that time I -- he gave
20 me a job at the coffee house and -- you know, cleaning and
21 arranging, organizing tables and things like that. So he
22 gave the money for me to go to school.

23 Q. And did something ever happen at night at Mr. Johnson's
24 that made you uncomfortable?

25 A. (By the interpreter) Yes.

09:42:52 1 Q. And did it happen more than once?
2 A. (By the interpreter) Yes, many times.
3 Q. Let's talk about the first time. Could you please tell
4 us where this happened?
5 A. (By the interpreter) So it happened where he rented a
6 house close to my house in the area called Lu Teuk Soy.
7 Q. And what room in that house did it happen?
8 A. (By the interpreter) In that house it happened in front
9 of the television screen.
10 Q. In that house it had a -- what, in front of the
11 television screen?
12 THE COURT: I think we need to take a break. I am
13 sorry.
14 (Recess.)
15 THE COURT: All right. Sorry about that, folks.
16 I had to take one quick call.
17 You are fine. Thank you.
18 Yes, he was sworn.
19 The witness was sworn in. Yes.
20 Go ahead, Mr. Sweet.
21 MR. SWEET: Thank you.
22 BY MR. SWEET:
23 Q. And BT XXXXX, I think I may have misheard what you just
24 said. Did you say it happened in front of the TV?
25 A. (By the interpreter) Yes, it was in the TV room.

09:46:48

1 Q. Okay. And were there other people there at the time?

2 A. (By the interpreter) Yes, there were two of my friends
3 sleeping close to there.

4 Q. And were you all just sleeping on the floor?

5 A. (By the interpreter) Yes, we were sleeping directly on
6 the floors.

7 Q. And what happened?

8 A. (By the interpreter) So at the time we were just
9 sleeping. And Daniel was returning, you know, back to the
10 house from being out. So he opened the door and came in.

11 Q. And then what happened?

12 A. (By the interpreter) So he sat on the sofa, and then he
13 turned on the television first.

14 Q. And then what happened?

15 A. (By the interpreter) Then he took his hand and then put
16 it in my pants.

17 Q. And did he touch you?

18 A. (By the interpreter) Yes.

19 Q. And where did he touch you?

20 A. (By the interpreter) He touched me right on my thing,
21 my penis.

22 Q. And did he do anything to your penis?

23 A. (By the interpreter) At that time he was playing.

24 Q. And was -- did the skin of his hand touch the skin of
25 your penis?

09:48:57 1 A. (By the interpreter) Yes.
2 Q. And did he masturbate you?
3 A. (By the interpreter) Yes.
4 Q. Did you ejaculate?
5 A. (By the interpreter) Yes.
6 Q. What were you doing while Mr. Johnson was doing this to
7 you?
8 A. (By the interpreter) I -- Well, at that time I was
9 sleeping on the floor.
10 Q. Did you say anything to him?
11 A. (By the interpreter) At that time, I was afraid. I was
12 really young, and I didn't know anything.
13 Q. Were your eyes open or closed when he did this?
14 A. (By the interpreter) At that time I -- I was kind of
15 snuck in and looked at him a little bit, but I didn't look
16 at him directly because I was kind of nervous.
17 Q. Do you recall who else was in the room?
18 A. (By the interpreter) I remember there was Ravi and
19 SES XXXXXX.
20 Q. And is SES XXXXXX, SESX, SES XXX?
21 A. (By the interpreter) Yes. His nickname is SESX.
22 Q. And he has a younger brother, SS XX?
23 A. (By the interpreter) Yes.
24 Q. BT XX, how old were you -- or let me start, what grade
25 were you in when this happened?

09:50:54

1 A. (By the interpreter) I was in eighth grade.

2 Q. And do you recall how old you were?

3 A. (By the interpreter) During that time, maybe like 14 or
4 15.

5 Q. And did it happen more than once at that location?

6 A. (By the interpreter) Yes.

7 Q. About how often did it happen?

8 A. (By the interpreter) It was like every time he went out
9 and he drank. And then he would come back and then he would
10 do that when he is drunk -- when he was drunk.

11 Q. When he did that to you, would you smell alcohol? How
12 do you know that he had been drinking?

13 A. (By the interpreter) I could smell the alcohol very
14 strongly.

15 Q. So just in terms of a number, though, did it happen
16 twice? Did it happen more?

17 Just approximately how many times at that
18 location?

19 A. (By the interpreter) In that location, he did that
20 probably like six to seven times.

21 Q. And did Mr. Johnson do anything to you other than
22 touching your penis?

23 A. (By the interpreter) Yes.

24 Q. Can you tell me what else he did?

25 A. (By the interpreter) He sucked.

09:53:10

1 Q. And do you mean did he put his mouth on your penis?

2 A. (By the interpreter) Yes.

3 Q. And did he do that once or more than once?

4 A. (By the interpreter) He did that more than once.

5 Q. And when he did that, did you ejaculate?

6 A. Yes. Every time he did that, I -- I came.

7 Q. And what room did he do that to you?

8 A. (By the interpreter) In his room, in the room behind
9 the television.

10 Q. So there was tile in front of the TV where you would
11 sleep sometimes; is that right?

12 A. (By the interpreter) Yes.

13 Q. But then for oral sex, that was in -- was that in
14 Mr. Johnson's separate bedroom?

15 A. (By the interpreter) Yes, it was in his room.

16 Q. And did you ever sleep with Mr. Johnson in his bed?

17 A. (By the interpreter) At the first location it was once
18 in a while. So when -- when he drank and he was drunk, he
19 would come out.

20 MR. WEINERMAN: Objection as to the
21 characterization of drunk.

22 THE COURT: You can follow it up with questions if
23 you need to.

24 Overruled.

25 THE WITNESS (By the interpreter): Then he would

09:55:09 1 cradle me and took me into his room.
2 BY MR. SWEET:
3 Q. And what would he wear when he -- when Mr. Johnson took
4 you into his bedroom, what would he wear?
5 Would he keep his clothes on or off?
6 A. (By the interpreter) At first he had his clothes on,
7 but once he got into his room he took off his clothes.
8 Q. And what about your clothes?
9 A. (By the interpreter) He also took them off.
10 Q. And BT XXX, how many locations altogether did you live
11 at or stay at with Mr. Johnson?
12 A. (By the interpreter) I lived with him total of five
13 places.
14 Q. Okay. So I'd like to show you a picture, just briefly,
15 of Government's Exhibit 271.
16 And can you see that picture there?
17 A. (By the interpreter) No, not on this -- oh, now we can.
18 MR. SWEET: And Your Honor, this has been
19 admitted, so I'd ask that it be published.
20 THE COURT: Yes, it will be published.
21 BY MR. SWEET:
22 Q. You can see that now, BT XX?
23 A. (By the interpreter) Yes.
24 Q. For this location do you recall what number location
25 this was for you?

09:56:42

1 A. (By the interpreter) For me it was a third location.

2 Q. Okay. So you lived at two locations with Mr. Johnson
3 before you lived at Government's 271?

4 A. (By the interpreter) Yes.

5 Q. Okay. All right. Thank you.

6 So we have talked about the first location. I'd
7 like to talk to you about the second location.

8 Could you tell us -- could you tell us where that
9 was, please?

10 A. (By the interpreter) So at the second location, it was
11 close to Street 271. 271. And they called it an area that
12 is called Mlop Psa Derm Thkov.

13 Q. And who lived at that location?

14 A. (By the interpreter) So in that air -- that location
15 there was an interpreter and there was a -- myself,
16 Mr. Johnson, and -- and Ton Vichay.

17 Q. And did Mr. Johnson touch you sexually at the -- for
18 you, for the second location?

19 A. (By the interpreter) Yes.

20 Q. And about how many times did it happen?

21 A. (By the interpreter) At that time they were about -- it
22 was about six or seven times also.

23 Q. And was there a room that it would usually happen in?

24 A. (By the interpreter) Yes, in his room.

25 Q. And was it usually day or night?

09:59:05 1 A. (By the interpreter) Majority of the time it was during
2 the nighttime.
3 Q. And could you -- what kind of abuse? What kind of
4 touching was it?
5 A. (By the interpreter) At first he kissed, and then he
6 fondled and caressed.
7 Q. When you say he kissed you, where would Mr. Johnson
8 kiss you?
9 A. (By the interpreter) Cheeks and mouth.
10 Q. And when you say fondled, where was he fondling you?
11 A. (By the interpreter) He fondled our body and our
12 equipment.
13 Q. And when you say equipment, do you mean your penis?
14 A. (By the interpreter) Yes.
15 Q. You talked about Mr. Johnson performing oral sex on you
16 at the first location. Did that also happen at the second
17 location?
18 A. (By the interpreter) Yes.
19 Q. Is there a specific incident that you recall happening
20 at that house that you could describe?
21 A. (By the interpreter) The majority of the time I just
22 remember that -- or mostly I just remember that he went out
23 a lot, and then he came home smelling or reeked with
24 alcohol.
25 Q. And would Mr. Johnson say anything to you after he

10:01:20 1 abused you?

2 A. (By the interpreter) Majority of the times he would

3 apologize.

4 Q. And would he apologize -- when would he apologize to

5 you?

6 A. (By the interpreter) He apologized in the morning.

7 Q. Where would you sleep after he abused you?

8 A. (By the interpreter) I slept in his room until the

9 morning before I left.

10 Q. And did Mr. Johnson ever give you anything after

11 abusing you at either the first house or the second house?

12 A. (By the interpreter) Yes. When he did that to me at

13 the first house, he gave me money.

14 Q. Do you recall about how much money?

15 A. (By the interpreter) I remember it was Cambodian money.

16 About 10- to 20,000.

17 Q. And about how much does that switch into American

18 dollars?

19 A. \$5.

20 Q. Okay. So 20,000 would be \$5; is that correct?

21 A. (By the interpreter) Yes.

22 Q. 10,000 would be 2.50?

23 A. (By the interpreter) Yes.

24 Q. And would he explain to you why he was giving you that

25 money?

10:03:35 1 A. (By the interpreter) Well, it was in the morning and it
2 was Sunday, Sunday morning, so I thought he gave me the
3 money to -- to offer the tithe, to give it to the tithe.
4 Q. To tithe the church?
5 A. (By the interpreter) Yes.
6 Q. And did Mr. Johnson separately give you money for the
7 work that you were doing or for the help that you were
8 providing?
9 A. (By the interpreter) For washing dishes or sweeping,
10 cleaning the house, he gave me 5 to 7 dollars per week.
11 Q. And so I just want to clarify. After Mr. Johnson
12 abused you, you said he sometimes gave you money; is that
13 correct?
14 A. (By the interpreter) Yes.
15 Q. Is that separate from money that you received weekly
16 for doing chores and helping out?
17 A. (By the interpreter) Correct. It is separate.
18 Q. All right. Did Mr. Johnson ever try to have you
19 masturbate him?
20 A. (By the interpreter) Yes, he try. He took my hand to
21 touch his penis, the skin of his penis.
22 Q. And what did you do?
23 A. (By the interpreter) So he tried to do that, and he put
24 my hand there and I tried to take my hand away. So he tried
25 to do that several times, and then I -- I pulled my hands --

10:05:55 1 I mean my hand away so that he stopped.

2 Q. And did he ever put you on top of his body?

3 A. (By the interpreter) Yes.

4 Q. And what was he wearing when he did that?

5 A. (By the interpreter) At that time he took off his

6 clothes and his -- I mean his pants and his shirt. He was

7 completely naked.

8 Q. And what were you wearing?

9 A. (By the interpreter) At that time I had my shorts on,

10 but he -- he took those off, too.

11 Q. And when he put you on top of him, did your penis touch

12 his penis?

13 A. (By the interpreter) Yes. They were touching.

14 Q. And did you ever say anything to Mr. Johnson about what

15 he was doing to you?

16 A. (By the interpreter) During that time, no, I didn't say

17 anything because I was so afraid.

18 Q. And was Mr. Johnson gone sometimes on occasion? Would

19 he travel?

20 A. (By the interpreter) Yes.

21 Q. Do you know where he went?

22 A. (By the interpreter) Majority of the time he went to --

23 to visit Thailand and Vietnam.

24 Q. Did he ever go to the United States?

25 A. (By the interpreter) Yes, he went to collect money

10:07:43 1 every year.

2 Q. And I'd like to pull Exhibit 271 back up, please. Let

3 me know you can see that, please.

4 A. (By the interpreter) Yes.

5 Q. Okay. So we have established for you, BT XX, this was

6 the third location; is that right?

7 A. (By the interpreter) Yes.

8 Q. And were there a lot of people at this location?

9 A. (By the interpreter) Yes. At that location there were

10 many kids.

11 Q. And do you recall how old you were, approximately, when

12 you moved to this location?

13 A. (By the interpreter) At that time I was seven -- I was

14 17 years old.

15 Q. And what was your role in the orphanage at this

16 location?

17 A. (By the interpreter) So at that time he allowed me to

18 be supervise over -- super -- supervising kids, buying

19 clothes for the kids and then also to enroll them in school.

20 And if any kid was sick, I took them to the

21 clinic.

22 Q. And did you also play a role in ministering to

23 children?

24 A. (By the interpreter) Yes.

25 Q. And did Christianity play a strong role in both the

10:09:43 1 orphanage and your life?

2 A. (By the interpreter) Yes.

3 Q. And did you receive a payment for the -- for your

4 contributions to the orphanage?

5 A. (By the interpreter) Yes.

6 Q. What room did you stay at, please, in this location,

7 for you, the third location?

8 A. (By the interpreter) In that location, I was in his

9 room.

10 Q. And who is "he"?

11 A. (By the interpreter) Daniel Johnson.

12 Q. And what was the -- what was the bed situation in his

13 room?

14 A. (By the interpreter) In his room there was a bunk bed,

15 a set of bunk beds. So he was -- he took the bottom bed and

16 I took the top one.

17 Q. And did Mr. Johnson ever touch you sexually at this

18 location, Government's Exhibit 271?

19 A. (By the interpreter) Yes. In there, yes.

20 Q. Do you recall about how many times?

21 A. (By the interpreter) So that is the -- I mean, that was

22 the last home, so he did that maybe seven to eight times.

23 Q. And when you say it's the last home, do you mean that's

24 the last home he abused you at?

25 A. (By the interpreter) Yes.

10:11:48

1 Q. And where did he abuse you?

2 A. (By the interpreter) In his room.

3 Q. And could you talk about the last time Mr. Johnson
4 abused you, please.

5 A. (By the interpreter) I remember that it happened in his
6 room and he did it like he did before, meaning he sucked and
7 he played my penis.

8 Q. Did anything else happen that last time?

9 A. (By the interpreter) Yes.

10 Q. And can you describe it, please.

11 A. (By the interpreter) So he sucked me in that house, and
12 then after that he tried to put his penis in my butt.

13 Q. And when he did that, what position were you in?

14 A. (By the interpreter) He had me sitting, and he was
15 behind me.

16 Q. And when you say "sitting," do you mean on your hands
17 and knees?

18 A. (By the interpreter) Yes.

19 Q. And what did he do then?

20 A. (By the interpreter) And he tried to -- to put it in.
21 And he put on the lubrication and things like that, and he
22 tried to put in, but I tried to avoid -- I tried to stop him
23 from doing that.

24 Q. Did Mr. Johnson put on a condom?

25 A. (By the interpreter) Not at that time.

10:14:27 1 Q. Did his peanut -- did his penis touch any part of your
2 body?

3 A. (By the interpreter) He touched my butt, and then after
4 that he also tried to put it in my mouth again.

5 Q. So you said he tried to put his penis into your butt,
6 but you were moving; is that right?

7 A. (By the interpreter) Yes.

8 Q. Were you moving so that he couldn't put it in?

9 A. (By the interpreter) Yes.

10 Q. And so did he give up?

11 A. (By the interpreter) Yeah, he tried to do that three or
12 four times, and then he couldn't do it, so he stopped.

13 Q. And then you said he tried to put his penis -- did you
14 say he tried to put his penis in your mouth after that?

15 A. (By the interpreter) Yes.

16 Q. And what did you do?

17 A. (By the interpreter) I struggled. I -- not to let him
18 put it in.

19 Q. And did he?

20 A. (By the interpreter) He -- he tried. I did that like a
21 couple -- several times, three or four times. And then he
22 couldn't do it, so he stopped.

23 Q. And what did he do after that?

24 A. (By the interpreter) After that he sucked, and then he
25 went back to sleep.

10:16:33 1 Q. And BT XX, was that the first time that Mr. Johnson had
2 ever tried to put his penis in your butt?

3 A. (By the interpreter) Yes, that was the only time, and
4 he only tried to do that just once.

5 Q. And was that the first time he had ever tried to put
6 his penis in your mouth?

7 A. (By the interpreter) Yes.

8 Q. And BT XX, did -- did Mr. Johnson say anything to you
9 afterwards or the next day?

10 A. (By the interpreter) Yes. The next day he acted like a
11 different person, and he put on a face and he apologized,
12 you know, making you feel compassionate for him.

13 Q. And BT XX, what grade were you in at that point?

14 A. (By the interpreter) You mean at the third location?

15 Q. Yes. So this last time, do you recall what grade you
16 were in?

17 A. (By the interpreter) Yes. Eleventh grade.

18 Q. Okay. And do you recall how old you were on this last
19 time Mr. Johnson abused you?

20 A. (By the interpreter) At 11th grade I was 17, turning
21 18.

22 Q. And did Mr. Johnson give you anything after that last
23 time?

24 You said he apologized. Did he give you anything?

25 A. (By the interpreter) At that time, no.

10:18:44

1 Q. Did you and Mr. Johnson ever talk about why he abused
2 you?

3 A. (By the interpreter) So yes. I couldn't stand it
4 anymore, so then I spoke about it.

5 Q. And what house was it that you spoke with him about it?

6 A. (By the interpreter) At the house that he was arrested.

7 Q. And do you recall what -- do you recall what he said to
8 you?

9 A. (By the interpreter) Yes, I do.

10 Q. Okay. And what did he say?

11 A. (By the interpreter) Majority of the time he would --
12 cited -- he would cite the scripture from the Bible for me
13 to forgive him.

14 Q. And so I am clear, this is at the very last house that
15 was -- at which Mr. Johnson was arrested; is that correct?

16 A. (By the interpreter) Yes.

17 Q. And do you recall approximately when it was? What
18 year?

19 A. (By the interpreter) During that time I think it was
20 2013.

21 Q. And did you talk to him directly about abusing you?

22 Did you say, "Why are you abusing me?" Or what
23 did you say?

24 A. (By the interpreter) At that time I did not speak to
25 him directly because he -- he was saying that I always

10:21:03 1 mentioned about that. So I didn't speak to him directly.

2 So I spoke to Pastor Sopheak and asked him to speak to him
3 about that.

4 No, it was not like that, actually. Sopheak
5 and -- brother Sopheak and I went into his room and spoke
6 about that.

7 Q. And went into Mr. Johnson's room and spoke about that?

8 A. (By the interpreter) Yes, we went into his room.

9 Q. And did you talk to Mr. Johnson directly about sex
10 abuse or was it more indirect?

11 A. (By the interpreter) I -- I didn't use direct phrases
12 or words, but he knew about abuse, what he did to other
13 children.

14 Q. Did Mr. Johnson ever tell you that he had tried to
15 change?

16 A. (By the interpreter) Yes.

17 Q. Did he ever talk about -- did he ever talk to you
18 directly about why he was abusing you?

19 A. (By the interpreter) Yes, I remember. He used to tell
20 me.

21 Q. And what did he say?

22 A. (By the interpreter) He said when he was young someone
23 abused him just like he was abusing us -- abusing me.

24 Q. And BT XX, did you ever try and stop Mr. Johnson from
25 abusing you?

10:23:10 1 Other than -- other than moving away the last
2 time, did you ever try to stop him?

3 A. (By the interpreter) I -- I made effort. I mean, I
4 cited Bible verses, you know, for him to repent.

5 Q. And did you think about telling any other -- any other
6 adults, like Pastor Sinai or anyone else?

7 A. (By the interpreter) I just told my friends like Karla
8 and Suzie, Phillip.

9 Q. But what you are talking about is much later. That's
10 after Mr. Johnson's arrest, correct?

11 A. (By the interpreter) Yes.

12 Q. Okay. And BT XX, before Mr. Johnson was arrested, did
13 you ever think about telling the police about what he was
14 doing to you?

15 A. (By the interpreter) At that time I didn't think about
16 that because I felt embarrassed.

17 Q. BT XX, did you care for and love Mr. Johnson?

18 A. (By the interpreter) Yes.

19 MR. SWEET: Your Honor, I think we are about at an
20 hour.

21 THE COURT: Okay. Folks, I make want to make sure
22 that our translator and court reporter get a chance to take
23 a break, so we are going to break now for the morning for 10
24 or 15 minutes and we'll have you back out.

25 (Jury out.)

10:25:51 1 THE COURT: All right. The witness is free to
2 step down.

3 And I have reviewed, now, Government Exhibit 163.
4 There was the line towards the top of page 02416 that the
5 government had stricken but that the defense was wishing to
6 keep in the document. And it reads, and I -- and this is
7 part of the e-mail chain. The statement is specifically
8 from the witness, BT XXXXX, to Mr. Johnson. And it reads,
9 "And I also told you about CC X and SO XXX sexuality issue
10 that we were so afraid to tell you then, and you will be
11 judged by the law."

12 So in reading the document I don't see any other
13 references or conversations that refer to the sexuality of
14 other boys in the center. This statement seems very
15 discrete and insular, and I think it's appropriate to keep
16 out suggestions that the victims may have had some sexual
17 relationship with each other at some point.

18 So I agree with the government that under Rule 412
19 the -- that line should be stricken from Exhibit 163.

20 Is there anything else we need to discuss?

21 MR. SWEET: And, Your Honor, do all of the other
22 court's rulings regarding the objections remain the same
23 after the court's reviewed it?

24 THE COURT: Yes.

25 MR. SWEET: Thank you. And then there were a few

10:27:38 1 that we agreed on. We'll work to do those and then confer
2 with the defense to make sure we are all in agreement on
3 those before it's offered.

4 THE COURT: Okay. Great. Thank you. We'll be in
5 recess.

6 (Recess.)

7 THE COURT: All right. Go ahead and keep working.

8 MR. SWEET: Thank you, Your Honor.

9 The parties have -- 163 has now been modified
10 pursuant to the court's ruling and to our discussion. We
11 have reviewed it together. I believe both parties are fine
12 with it. And so, with that, we will -- we don't have a
13 printed copy of the modified one yet, but we do have one
14 that we could publish to the jury.

15 THE COURT: All right. That's fine. Preserving
16 your objections, as the document is presented --

17 MR. WEINERMAN: Yes, it's acceptable, Judge.

18 THE COURT: Okay. Thank you.

19 MR. SWEET: And, Your Honor, may we put BT XXXXX
20 back on the stand before the jury comes in?

21 THE COURT: Yes. All right.

22 MR. WEINERMAN: Judge, could I just ask -- I will
23 stop if the jury starts coming in.

24 Are we going to be reading these line-for-line?

25 I mean, there's a lot of text. I don't know what

10:52:54 1 the government's intentions are --

2 THE COURT: I don't know.

3 MR. WEINERMAN: -- but -- so maybe I should listen
4 first before I object to anything.

5 MR. SWEET: Well, I am happy to say there are some
6 shorter ones that I would like to read, or at least lines.
7 There are some that I would probably ask if it's essentially
8 correct, but I certainly do not intend to read even every
9 word of what is highlighted in yellow.

10 THE COURT: Okay.

11 MR. SWEET: But I would be reading portions of it.

12 THE COURT: Okay. All right. I think it's
13 appropriate and appropriate for the witness to see it.

14 MR. WEINERMAN: And I am assuming -- I have no
15 doubt about this, but I just want to confirm the yellow part
16 is not going to be sent to the jury, I assume.

17 THE COURT: I mean, I am assuming we are not
18 sending highlights to the jury.

19 MR. SWEET: Well, I think for the final one -- the
20 one that would be published, it is highlighted, Your Honor.
21 I can certainly -- the one we ultimately submit the paper
22 form, the government can remove the highlights from that
23 before it goes to the jury. But for today for publication,
24 if we could have that.

25 THE COURT: Those are the areas you are going to

10:54:01 1 be focusing on in front of the jury?

2 MR. SWEET: Yes, Your Honor.

3 THE COURT: That makes sense, then. We can do
4 that.

5 MR. SWEET: And I can't say that each and every
6 highlighted one that I will touch actually upon, but it does
7 make it easier to find certain areas. But we will remove
8 the yellow highlighting before we give a paper copy to the
9 jury, if that's acceptable.

10 THE COURT: Okay. We'll bring the jury in.

11 (Jury in.)

12 THE COURT: Please be seated, everybody. All
13 right. We'll continue with the testimony.

14 MR. SWEET: Thank you, Your Honor.

15 BY MR. SWEET:

16 Q. BT XX, I'd like to turn your attention to some
17 photographs, just so we can see if we are talking about the
18 same people.

19 First I'd like to start with Government's Exhibit
20 66.

21 MR. SWEET: And, Your Honor, I have provided the
22 defense with the list of the exhibits and the photographs.
23 As far as it relates to the photographs, these -- the first
24 group has all been admitted.

25 THE COURT: All right. Those will be published.

10:56:29 1 BY MR. SWEET:
2 Q. So can you see 66, BT XX?
3 A. (By the interpreter) Yes, I do.
4 Q. And is that you?
5 A. (By the interpreter) Yes, that's me.
6 Q. And what were you doing there?
7 A. (By the interpreter) I was flying to Thailand.
8 Q. And who were you flying with, please?
9 A. (By the interpreter) I went with Mr. Daniel Johnson.
10 Q. Okay. And 67, please.
11 And could you tell us, what's that a photograph
12 of, please?
13 A. (By the interpreter) It is a picture of -- in -- of a
14 kitchen, of the kitchen while we were cooking with PE XX.
15 Q. Okay. And is that you on the right?
16 A. (By the interpreter) Yes, that's me.
17 Q. Okay. And do you recall which location that was?
18 A. (By the interpreter) That is -- they called it a second
19 home from the -- after the big house.
20 Q. Okay. And 68, please.
21 Is that you, BT XX?
22 A. (By the interpreter) Yes.
23 Q. And 69.
24 Is that you as well?
25 A. (By the interpreter) Yes, that's me.

10:58:15 1 Q. Do you know who the little boy is in the picture?

2 A. (By the interpreter) That little boy? I remember his

3 name is -- is CC X.

4 Q. Is that different than CC XXXXXX?

5 Is he different than CC XXXXXX?

6 A. (By the interpreter) Yes, different from CC XXXXXX.

7 Q. Okay. And 144, please.

8 THE CLERK: Counsel, can this be published?

9 MR. SWEET: 144. The defense has no objection to

10 144. It's a photograph of -- we can publish it first just

11 to the defense, if we may.

12 MR. WEINERMAN: No objection.

13 THE COURT: All right. 144 will be received.

14 BY MR. SWEET:

15 Q. And what's that a photograph of, please, BT XX?

16 A. (By the interpreter) It's a picture of Christmas

17 celebration.

18 Q. And what were you doing?

19 A. (By the interpreter) I interpreted for him.

20 Q. Okay. And were you speaking to an audience at the time

21 or was Mr. Johnson speaking to an audience?

22 A. (By the interpreter) Yes.

23 Q. And was interpretation a job that you -- is that

24 something you did often?

25 A. (By the interpreter) Yes, the majority of the time I

10:59:48 1 interpret for him, mostly.

2 Q. Okay. And I'd like to show some pictures of some other

3 boys. Pull up 81, please.

4 THE CLERK: Counsel, this is --

5 MR. SWEET: And -- yes, I believe 81 defense no

6 objection to?

7 MR. WEINERMAN: No objection.

8 THE COURT: All right. 81 will be received.

9 BY MR. SWEET:

10 Q. And BT XX, if you touch the screen, could you indicate

11 on that screen if you see ES XXX or ES XXX, please?

12 A. (By the interpreter) I touch it directly?

13 Q. Yes. Yes.

14 A. (Complied.) ES XXX.

15 Q. And you can make big marks, too. It's easier to see.

16 How about SO XXX?

17 A. (Complied.) (By the interpreter) SO XXX.

18 Q. Okay. And LS X, please?

19 A. (Complied.) (By the interpreter) LS X.

20 Q. And RT XX?

21 A. (Complied.) RT XX.

22 Q. Do you see LT XXXXXXXX?

23 A. (By the interpreter) I don't see him.

24 Oh. Oh, here LT XXXXXXXX.

25 Q. Okay. And what about Pastor Sopheak?

11:01:13 1 A. (By the interpreter) He is right here.

2 Q. Okay. BT XX, there's another photo I would like to

3 show you.

4 MR. SWEET: And if we could just have this one go

5 to the defense and BT XX first, please. It's 275.

6 MR. WEINERMAN: No objection.

7 THE COURT: All right. That will be received.

8 BY MR. SWEET:

9 Q. And BT XX, could you identify who is in this

10 photograph, please.

11 A. (By the interpreter) This one is me. That is

12 Mr. Daniel Johnson. And this one is Mr. Sinai friend. I

13 don't know the name. And he has a big job, like big

14 position.

15 Q. Okay. And do you know, is he -- a position with who?

16 A. (By the interpreter) He worked for the government.

17 Q. Okay. Cambodian government?

18 A. (By the interpreter) Yes.

19 Q. And BT XX, did Mr. Johnson -- do you know if he had

20 friends in the Cambodian government?

21 A. (By the interpreter) Yes. He said he had many friends

22 in Cambodia.

23 Q. Many friends in Cambodia. And what about friends in

24 the Cambodian government or police?

25 A. (By the interpreter) Yes, he said that he knew many

11:03:25 1 people at higher places.

2 Q. And BT XX, earlier you had said -- you said you didn't
3 call the police because I believe you said you were ashamed
4 or something like that?

5 A. (By the interpreter) Yes.

6 Q. Okay. Were there any other reasons you didn't report
7 what Mr. Johnson did to you?

8 A. (By the interpreter) Yes, there are many. There are
9 many.

10 Q. Okay. What are those, please?

11 A. (By the interpreter) Number one, it was my family
12 because my dad was really sick, and he provided money to
13 help my family.

14 Q. Who provided money to help your family?

15 A. (By the interpreter) Mr. Daniel Johnson.

16 Q. Okay. So he provided money to your family, and you
17 were worried about that.

18 What else?

19 A. (By the interpreter) And also my education. In my
20 family, nobody finished the university.

21 Q. And was Mr. Johnson helping support you financially to
22 go to school?

23 A. (By the interpreter) Yes. He found donors for me. So
24 if I reported him, then I did not know what to do. Then I
25 had to give up my education, and I wouldn't know what to do

11:05:28 1 next.

2 Q. BT XX, you said earlier that during the abuse you kept
3 your eye closed most of the time.

4 Were you afraid of Daniel Johnson?

5 A. (By the interpreter) Yes.

6 Q. Okay. So you have said you loved him and yet you have
7 also said you are afraid of him. Could you explain that a
8 little bit more, please?

9 How were you afraid of him?

10 A. (By the interpreter) There were times he -- when he
11 tended to be a good person and he made you -- he made you
12 feel compassionate toward him. But then there were times
13 that he would scream at you in front of everybody. In
14 short, he just made you stuck and speechless.

15 Q. Did Mr. Johnson ever talk about calling the police on
16 boys at the orphanage?

17 A. (By the interpreter) Yes.

18 Q. Okay. Could you -- what would he say? Who would he
19 say it to?

20 A. (By the interpreter) I remember he said that to ES XXX.

21 Q. Said that he would call the police?

22 A. (By the interpreter) Yes.

23 Q. Did you believe? Did you believe that he might call
24 the police?

25 Was that something that concerned you?

11:07:39 1 A. (By the interpreter) Yes, because he said in Cambodia
2 he knew many people. And then, in Cambodia, you use money
3 so people will listen to you.
4 Q. Okay. BT XX, so you are a citizen of Cambodia,
5 correct?
6 A. (By the interpreter) Yes.
7 Q. And you were in your own country when you were at the
8 orphanages?
9 A. (By the interpreter) Yes.
10 Q. Who did you believe had more power at the orphanages,
11 you or Mr. Johnson?
12 A. (By the interpreter) Mr. Daniel Johnson.
13 Q. And why is that?
14 A. (By the interpreter) Because he was the one who
15 gathered the money, and he also have a lot of connections.
16 Q. BT XX, there's one thing I want to clarify before
17 moving on.
18 A. (By the interpreter) Yes.
19 Q. And you have talked about living at five separate
20 houses with Mr. Johnson; is that correct?
21 A. (By the interpreter) Yes.
22 Q. And 271, please. Was I correct in hearing you say that
23 Mr. Johnson did not abuse you at the last two houses?
24 A. (By the interpreter) Correct. The last two houses, no.
25 Q. And so is the last house Mr. Johnson abused you the one

11:09:49 1 that's on the screen marked 271?

2 A. (By the interpreter) Yes.

3 Q. And one more clarification, BT XX. I had asked you

4 about Mr. Johnson trying to put his penis in your mouth.

5 And you said that the last time he abused you, that's what

6 he tried to do; is that correct?

7 A. (By the interpreter) Yes, at that place.

8 Q. And was that the only time and the only place that

9 Mr. Johnson tried to put his penis in your mouth, or did he

10 also try to do that to you at other locations?

11 A. (By the interpreter) He tried to do it at different

12 places.

13 Q. Oh. So he did try to put his penis in your mouth at

14 other locations?

15 A. (By the interpreter) Yes, but I just don't remember

16 when because it had been a long time.

17 Q. Okay. But -- okay. In terms of Mr. Johnson putting

18 his mouth on your penis, did that happen at locations one,

19 two, and three for you?

20 A. (By the interpreter) You mean when he sucked my penis?

21 Q. Yes.

22 A. (By the interpreter) Yes, all -- at all locations.

23 Q. All first -- all three locations?

24 A. (By the interpreter) Yes.

25 Q. Thank you, BT XX. I am going to move on to a different

11:11:50 1 topic.

2 BT XX, I'd like to show you a picture of two other

3 houses. The first is 272.

4 MR. SWEET: And this can be published, Your Honor.

5 THE COURT: Yes.

6 MR. SWEET: Thank you.

7 BY MR. SWEET:

8 Q. And BT XX, do you recognize that house?

9 A. (By the interpreter) Yes, I remember.

10 Q. And was this the fourth location for you?

11 A. (By the interpreter) Yes, for me it was the fourth

12 house.

13 Q. Okay. And I would also like to show you 139, please.

14 And do you recognize this location?

15 A. (By the interpreter) Yes, I do.

16 Q. And is that the last location that you ever lived at

17 with Mr. Johnson?

18 A. (By the interpreter) Yes.

19 Q. At the -- so I'd like to talk, BT XX, about these --

20 these last three locations. Okay?

21 A. (By the interpreter) Yes.

22 Q. Did you see boys in Mr. Johnson's bedroom?

23 A. (By the interpreter) Yes, I have -- I saw them pretty

24 often.

25 Q. Okay. And could you name some of the boys that you

11:13:17 1 saw?

2 A. (By the interpreter) People that I saw, it was LS X,

3 SO XXX, ES XXX, CC X, and VS XXXX. And there were many

4 others, but I just don't remember.

5 Q. And when you said ES XXX, is that LS X's older brother?

6 A. (By the interpreter) Yes.

7 Q. And when you said CC X, do you know CC X's last name?

8 A. (By the interpreter) Yes. His last name is CC X.

9 Q. Okay. What about LT XXXXXXXX? Did you ever see

10 LT XXXXXXXX in Mr. Johnson's room?

11 A. (By the interpreter) Yes, LT XXXXXXXX, too.

12 Q. And talk about some of the things that these boys did

13 in Mr. Johnson's room that you saw.

14 A. (By the interpreter) Majority of the time, the kids

15 whom he called to go in to do massage. Then after that he

16 gave food, like good things to play in the room.

17 Q. And so could you describe these massages, where they

18 took place, what people wore?

19 MR. WEINERMAN: Objection; lack of foundation,

20 personal knowledge.

21 THE COURT: You can lay the foundation. Go ahead.

22 BY MR. SWEET:

23 Q. BT XX, did you see these massages take place?

24 A. (By the interpreter) Massages happened in his room.

25 Q. And did you see them take place in Mr. Johnson's room?

11:15:39 1 A. (By the interpreter) Yes, I did.

2 Q. Okay. And, in fact, did you -- did you still share a

3 bedroom with Mr. Johnson at any of the last three locations?

4 A. (By the interpreter) No. I already moved to another

5 room.

6 Q. Okay. So just describing what you saw, describe to us

7 some of the massages, where they took place in the room, and

8 what people wore.

9 A. (By the interpreter) In his room, and massaged his back

10 and he took off his shirt. And those kids, sometimes they

11 had their shirts on and shorts. Sometimes they just had

12 shorts on but no shirts.

13 Q. And where in the room? Were they sitting in a chair?

14 Were they somewhere else?

15 A. (By the interpreter) On his bed.

16 Q. And would Mr. Johnson be on his bed as well?

17 A. (By the interpreter) Yes.

18 Q. And you said the boys might get some special food.

19 I assume at the orphanage boys were fed every day,

20 correctly -- correct? Sorry.

21 A. (By the interpreter) Yeah, we were fed every day. But

22 then if you go into his room, you get pizza and chicken.

23 You know, just foreign food.

24 Q. BT XX, did you see boys spend the night in

25 Mr. Johnson's bedroom?

11:17:58 1 A. (By the interpreter) Yes, I saw that pretty often.
2 Q. And who are boys that you saw spend the night in
3 Mr. Johnson's room?
4 A. (By the interpreter) ES XXX, LS X, SO XXX, LT XXXXXXXX.
5 I just remember those four very clearly.
6 Q. BT XX, did you ever see a sex act between Daniel
7 Johnson and one of the boys?
8 A. (By the interpreter) I did not.
9 Q. Did you ever see Mr. Johnson in his bed naked with
10 other boys?
11 A. (By the interpreter) Yes, I saw him sleeping in the
12 nude. And the kids were also in the nude, but then in the
13 morning they would run away.
14 Q. Okay. What boys did you see in Mr. Johnson's bed naked
15 when Mr. Johnson was naked?
16 A. (By the interpreter) LS X, ES XXX. Those two. You
17 know, I saw them with my own eyes, so I remember them very
18 clearly.
19 Q. And BT XX, I believe you said you moved to America
20 in -- was it August of 2013?
21 A. (By the interpreter) Yes.
22 Q. Prior to you moving to America, did SO XXX talk to you
23 about anything that Mr. Johnson did to him?
24 A. (By the interpreter) Yes, SO XXX told me.
25 Q. What did SO XXX tell you?

11:20:37 1 A. (By the interpreter) SO XXX said that after he went out
2 to drink and hang out, he would come back and play with
3 SO XXX's equipment and sucked.

4 Q. So SO XXX said, after he went out, he came back. Who
5 is the "he" SO XXX was referring to?

6 A. (By the interpreter) SO XXX said that it was Mr. Daniel
7 Johnson.

8 Q. Did -- before you moved to the U.S., did ES XXX or
9 ES XXX, did he talk to you about anything that Mr. Johnson
10 did?

11 A. (By the interpreter) Yes, ES XXX also told me.

12 Q. Okay. And what do you recall him telling you?

13 A. (By the interpreter) So he didn't really say it
14 directly. He told me that Daniel Johnson did to him just
15 like husband and wife. You know, in Cambodian culture "like
16 husband and wife" meaning sleeping together and do all kinds
17 of stuff.

18 Q. And so, BT XX, you have talked about a time when you
19 and Pastor Sopheak talked to Mr. Johnson, correct?

20 A. (By the interpreter) Yes.

21 Q. Was there a second time or another time when you talked
22 to Mr. Johnson?

23 A. (By the interpreter) I talk with him through -- you
24 know, like just sending e-mails and Facebook.

25 Q. Okay. So before you left to the United States, was

11:23:00

1 there a time separate from your conversation with Pastor
2 Sopheak when you confronted Mr. Johnson about what he did?

3 A. (By the interpreter) I -- I only spoke with Pastor
4 Sopheak because I was kind of afraid.

5 Q. And BT XX, earlier you talked about Mr. Johnson and
6 forgiveness. Was this a topic that would come up often?

7 A. (By the interpreter) Yes.

8 Q. Could you explain that?

9 When would forgiveness come up?

10 A. (By the interpreter) So I told him what he had done,
11 and he -- he had to -- I mean, he had to recognize it and
12 accept it. And then he would say something like -- about
13 God forgive him and we -- and I should not mention what had
14 happened in the past.

15 Q. And is forgiveness an important part of your religious
16 beliefs?

17 A. (By the interpreter) Yes.

18 Q. Okay. And BT XX, in talking to Mr. Johnson, what is it
19 that you were trying to accomplish?

20 A. (By the interpreter) I just want all of the kids have
21 the opportunity to go to school and so they can have
22 brighter future, and also to -- to be together to love one
23 another.

24 Q. And so, BT XX, you said that you came to the U.S. in
25 August of 2013 through a program; is that right?

11:25:31 1 A. (By the interpreter) Yes.

2 Q. And was coming to the United States a goal of yours,

3 something you wanted to do?

4 A. (By the interpreter) Yes, it was my goal to come to

5 visit.

6 Q. And once you arrived, were you happy in the U.S.?

7 A. (By the interpreter) When I -- yeah, at first I was

8 very -- I was happy.

9 Q. And did you stay in contact with your friends in

10 Cambodia? The boys at the orphanage?

11 A. (By the interpreter) Yes.

12 Q. And do you recall receiving, after you came to the

13 U.S., a chat or a message from Pastor Sopheak?

14 A. (By the interpreter) Yes, I remember.

15 Q. And was it a message specifically regarding Daniel

16 Johnson abusing boys?

17 A. (By the interpreter) Yes.

18 Q. And do you recall if you received that chat before or

19 after Mr. Johnson was arrested?

20 A. (By the interpreter) I am not quite sure, but I think

21 it was before he was arrested.

22 Q. Do you remember what month Mr. Johnson was arrested in?

23 A. (By the interpreter) All I know that he was arrested in

24 2013, but I don't -- I am not sure if it was in November or

25 December.

11:27:38 1 Q. Okay. And BT XX, did you -- are you friends with Karla
2 Comstock?

3 A. (By the interpreter) Yes.

4 Q. And did you see her when you were in Oregon?

5 A. (By the interpreter) Yes, she came to visit me.

6 Q. And were you at her house the night before

7 Mr. Johnson's arrest?

8 A. (By the interpreter) No. I was at my workplace.

9 Q. BT XX, when did you learn -- how did you learn of
10 Mr. Johnson's arrest?

11 A. (By the interpreter) People who -- who live at the
12 orphanage sent me a message.

13 Q. Okay. Was that over Facebook or e-mail?

14 A. (By the interpreter) Facebook.

15 Q. And so, BT XX, did you later give the FBI access to
16 your Facebook account?

17 A. (By the interpreter) Yes.

18 Q. Okay. And so looking at your messages, it seems like
19 after Mr. Johnson was arrested, you were encouraging --
20 trying to encourage the boys to say good things about Daniel
21 Johnson; is that right?

22 A. (By the interpreter) Yes.

23 Q. And you were trying to stop some of the boys from
24 disclosing abuse; is that correct?

25 A. (By the interpreter) Yes.

11:29:30 1 Q. And, in fact, when people asked you if Daniel had done
2 anything wrong, you were telling them, no, he's innocent, he
3 hasn't done anything; is that correct?

4 A. (By the interpreter) Yes.

5 Q. And BT XX, why is it that you were saying -- saying
6 those things?

7 A. (By the interpreter) Because I looked at the news,
8 Cambodian news. And among all of the kids that were accused
9 of -- accused, only VS XXXX admitted or told the truth.

10 So -- and I did not know if VS XXXX was -- you know,
11 admitted or not. So then I was kind of afraid, and nobody
12 talked about it. So I was always so afraid.

13 Q. What were you afraid of?

14 A. (By the interpreter) Because after that thing happened,
15 he -- Mr. Daniel Johnson told the kids that, okay, he was
16 going to get out. And he was going to get out, and then the
17 center was going to proliferate and grow. So that made the
18 kids have a lot of hope.

19 So then -- so then I was afraid, you know, the
20 kids would not have a place to stay and -- and we wouldn't
21 know where they would go to school.

22 And another thing, he said -- and another thing,
23 because he knew a lot of people, and if we were to say that
24 he did these bad things to us and they didn't believe us,
25 they would go after us.

11:32:18 1 So in Cambodian culture, when people did good
2 deeds to you, you don't turn around and not -- and not be
3 un -- and not being grateful about it. You have to return
4 the favor, you know, like that.

5 You know, in Cambodia, it's not like here. They
6 used money to do many things. You know, like in the news
7 they would pay money to have someone killed. So I am just
8 afraid of that.

9 MR. WEINERMAN: Judge, I will object. I think we
10 are going a little further --

11 MR. SWEET: That was my last most --

12 MR. WEINERMAN: Move to strike.

13 THE COURT: Strike the last part of that answer,
14 please.

15 BY MR. SWEET:

16 Q. BT XX, at the same time, let me ask you this: Who is
17 Knot, please? Knot?

18 A. (By the interpreter) A Thai person, national.

19 Q. Is that -- is her first name Knot?

20 A. Yes, Knot.

21 Q. And was she in a relationship with Mr. Johnson?

22 A. (By the interpreter) Yes, correct.

23 Q. After you found out about Mr. Johnson's arrest, did you
24 communicate with Knot?

25 A. (By the interpreter) Yes, I spoke with her.

11:34:04 1 Q. Did you speak with her or were you chatting with her or
2 messaging with her?

3 A. (By the interpreter) Messaging.

4 Q. And did you speak with her very soon after
5 Mr. Johnson's arrest?

6 A. (By the interpreter) Yes.

7 Q. And did she ask you if Mr. Johnson tried to have sex
8 with you?

9 INTERPRETER LIM: I am sorry, counsel. The
10 interpreter did not hear you.

11 BY MR. SWEET:

12 Q. Did Knot ask you if Mr. Johnson tried to have sex with
13 you?

14 A. (By the interpreter) Yes, she did.

15 Q. And did you, in essence, tell her that Mr. Johnson
16 tried but you didn't let him?

17 A. (By the interpreter) The first time I think I didn't
18 tell her the truth, but only the -- the next time around I
19 told her the truth.

20 Q. And when you talked with Knot, were you also talking
21 about -- were you talking about the need to pray for
22 Mr. Johnson and to encourage him?

23 A. (By the interpreter) Yes.

24 Q. And BT XX, so, you know, you are telling some people he
25 abused you. You are telling other people he didn't. Were

11:35:37 1 you speaking out against Mr. Johnson because you wanted to
2 stay in the United States?
3 A. (By the interpreter) I never had, you know, the -- the
4 want to -- to live here.
5 Q. BT XX, after Mr. Johnson was arrested, did you
6 communicate with him on Facebook?
7 A. (By the interpreter) Yes.
8 Q. And did you decide that you would confront Mr. Johnson
9 about what he did?
10 A. (By the interpreter) Yes.
11 Q. And BT XX, have you had an opportunity to look at some
12 Facebook messages between you and Mr. Johnson?
13 A. (By the interpreter) Yes.
14 Q. And so when you gave the FBI access to your Facebook
15 account, are the messages between you and Mr. Johnson -- are
16 those, as far as you know, complete?
17 A. (By the interpreter) Correct.
18 Q. Okay. After you confront -- well, let me ask you this:
19 Did you confront Mr. Johnson directly with abusing children?
20 A. (By the interpreter) Yes.
21 Q. Did he deny abusing children?
22 A. (By the interpreter) He never denied.
23 Q. Did he say that you were lying?
24 A. (By the interpreter) No.
25 Q. So BT XX, I'd like to show you some messages, and I

11:37:49 1 want to ask you if -- so there were some messages that have
2 been blacked out or removed.

3 My question to you is did you do that or was that
4 done by the parties?

5 A. (By the interpreter) You mean the black?

6 Q. Yes, the black parts in your Facebook messages.

7 A. (By the interpreter) I don't know. I did not do that.

8 Q. And did I explain to you that there were parts that
9 were removed by the parties because they are not relevant to
10 the case here?

11 A. (By the interpreter) Yes.

12 THE COURT: So folks, you will have this exhibit
13 into evidence, and I think in just a moment you will have a
14 copy to be able to track along some of the questions. There
15 are areas that are blacked out, and that's because the
16 parties have agreed to black out certain areas because
17 either they weren't relevant or the court has ordered that
18 certain things be stricken from the document. So please
19 don't try to read into any redacted portions anything.
20 Don't try to guess what would have been in the document.
21 Simply accept the words for what they are.

22 Thank you.

23 BY MR. SWEET:

24 Q. And BT XX, just to move things along, there are a few
25 areas that I am going to summarize and ask you if it's

11:39:19 1 correct. And then you can always refer to the message if
2 that would help.

3 MR. SWEET: So at this point, Your Honor, I would
4 ask that 163 be brought up, and just for the defense and
5 BT XXXXX at this point.

6 THE COURT: Okay.

7 MR. SWEET: Just for clarity.

8 BY MR. SWEET:

9 Q. BT XX, after Mr. Johnson's arrest, did he tell you that
10 the FBI would probably come talk to you?

11 A. (By the interpreter) Yes, I was told.

12 Q. And did he let you know that you have the right to tell
13 them you don't want to talk to them?

14 A. (By the interpreter) Yes, that's what he told me.

15 Q. And I'd like to call your attention to Page 12.

16 MR. SWEET: And at this time I'd ask that it be
17 published, Your Honor.

18 THE COURT: We can do that.

19 MR. SWEET: It's going to take a second to get to
20 the page, Your Honor.

21 BY MR. SWEET:

22 Q. And towards the bottom, BT XX, the bottom paragraph,
23 it's enlarged in yellow. And I have added that yellow just
24 to make it easier. I'd like to read you a short part and
25 tell me if it's correct.

11:41:11 1 And BT XX, all this English part, did you write
2 all the English in this yourself?

3 A. (By the interpreter) Yes, I was the one who wrote it.

4 Q. Okay. So towards the bottom did you write, "I felt the
5 Holy Ghost gave me courage to tell directly what you did is
6 sinful but you still deny it. I knew long time already that
7 you had sexual abuse to the kids, but I didn't want to
8 defile you."

9 Did you write that, BT XX?

10 A. (By the interpreter) Yes. Yes.

11 Q. And I would like to turn to the next page, please.

12 And in the second paragraph highlighted in yellow,
13 did Mr. Johnson say, "I don't have the heart to answer all
14 of your message."

15 Skipping, "I wish you all the best, my BT XX. I
16 love you very much."

17 Did he write that?

18 A. (By the interpreter) Yes.

19 Q. And then the next paragraph highlighted in yellow
20 towards the bottom, did Mr. Johnson write, "Now I am just
21 praying that all of this does not remove all support as
22 Sopheak has said he wants to continue the ministry. I am
23 deeply sorry for not doing my best in Christ."

24 A. (By the interpreter) Yes. He -- he is the one who
25 wrote it.

11:42:58 1 Q. And did you go on in other messages to confront
2 Mr. Johnson that you knew he did inappropriate to LS X and
3 ES XXX?
4 A. (By the interpreter) Yes.
5 Q. And then turning to Page 15, the middle part in yellow.
6 It's actually 2417. I am sorry.
7 Did Mr. Johnson write to you, "Please, please
8 speak nothing negative with me from this point on. I really
9 can't take it."
10 A. Yes, he wrote that.
11 Q. And then continuing, "I will talk with you face-to-face
12 or by phone. Not on here because one, it's very impersonal;
13 two, people check my messages."
14 Did he write that?
15 A. Yes, he wrote that.
16 Q. Okay. Then to Page 2420. I have a few more but not
17 too many. At the very top highlighted in yellow did he
18 write, "BT XX, as I said before, you can continue to try and
19 turn everyone away from me."
20 And then skipping, "There is absolutely nothing in
21 Vietnam."
22 A. (By the interpreter) Yes, he wrote that also.
23 Q. And then on the next page, please, 2421, at the top,
24 did you write to Mr. Johnson, "You said you love me, but all
25 the things you wrote to me it sounds like you blame on me

11:45:17 1 everything. What did I do wrong? Just say the truth about
2 what I had seen and experienced with you in Cambodia."

3 Did you write that?

4 A. (By the interpreter) Yes, I wrote that.

5 Q. And then the paragraph below, beginning -- did
6 Mr. Johnson respond toward the middle, "I am not saying
7 anyone is wrong. I am just saying that might be the wrong
8 spirit in this situation based on scripture. I tell you I
9 did nothing in the USA."

10 A. (By the interpreter) Yes, he wrote that. That is his.

11 Q. And on the same page, lower, in yellow, did Mr. Johnson
12 write, "I want to have a life, and it is still possible, but
13 that could change based on others' words and actions against
14 me."

15 And then, "There are many reasons why God says it
16 is not good for man to be alone."

17 A. (By the interpreter) Yes, he wrote that.

18 Q. BT XX, did you feel that Mr. Johnson was trying to get
19 you to stop speaking against him negatively?

20 MR. WEINERMAN: Objection; calls for speculation.
21 Calls for a conclusion.

22 THE COURT: Overruled. It as to what his state of
23 mind was at the same time.

24 THE WITNESS (By the interpreter): Yes.

25 BY MR. SWEET:

11:47:01 1 Q. BT XX, I have about three more. On the next Page,
2 2422, did you say at the top, "I have done nothing wrong. I
3 really don't want to say anything, but when people ask me
4 what is the truth, I can't lie to them."

5 Did you write that?

6 A. (By the interpreter) Yes, I wrote that.

7 Q. And then did Mr. Johnson respond below that, "Brother,
8 sometimes saying, I am sorry, I don't want to talk about it
9 or I don't want to speak anything negative or I don't know
10 for sure or right now the best thing we can do is pray or I
11 would like to think not, *et cetera* are the options. I would
12 like to think you still love me and want to see me through
13 this."

14 A. (By the interpreter) Yes, he wrote that.

15 Q. I just have two more, BT XX.

16 On the next page, 2423. That middle paragraph in
17 yellow.

18 Did Mr. Johnson write, "I need you to know that
19 you are not hurting me, only hurting God's ministry."

20 A. (By the interpreter) Yes, he wrote that.

21 Q. And also, "We need to be as wise as a serpent and as
22 harmless as a dove. Peace upon you and your tongue and
23 wisdom in your thoughts, words, answers and actions.
24 Healing does not begin until we stop picking at the scab."

25 A. (By the interpreter) Yes, he wrote that.

11:49:24 1 Q. And the last one, BT XX, on Page 2426, the middle of
2 the page, did you write to Mr. Johnson, "I really don't know
3 what am I doing wrong."

4 A. (By the interpreter) Yes, I wrote that.

5 Q. And after talking about another person, Heng, did he
6 say, "As I tell everyone who tells me anything about you,
7 BT XX has a good heart. He is a good man."

8 A. (By the interpreter) Yes, he wrote that.

9 Q. So BT XX, those were just a portion of the chats. But
10 did you remove any messages that said in which Mr. Johnson
11 denied abusing children?

12 A. (By the interpreter) I did not remove anything.

13 Q. BT XX, were you -- in 2014, in the U.S., did the FBI
14 contact you?

15 A. (By the interpreter) Yes.

16 Q. And did you talk to the FBI?

17 A. (By the interpreter) Yes, I did.

18 Q. And where was that, please?

19 A. (By the interpreter) I met the person at my work in
20 Albany.

21 Q. And did the FBI agent ask you about Mr. Johnson?

22 A. (By the interpreter) Yes.

23 Q. And did you talk to them about Mr. Johnson abusing you?

24 A. (By the interpreter) At first I told them some but not
25 everything.

11:51:48

1 Q. And did you speak to the FBI on multiple occasions?

2 A. (By the interpreter) Yes.

3 Q. And were you originally scheduled to go back to
4 Cambodia in mid-2014?

5 A. (By the interpreter) Yes.

6 Q. And did the FBI talk about you staying in the United
7 States?

8 A. (By the interpreter) At first they said I could maybe.

9 Q. And did they help you to speak with an immigration
10 attorney?

11 A. (By the interpreter) They just told them to contact me,
12 and then I -- I actually did it on my own.

13 Q. And have you received legal status in the U.S., BT XX?
14 And let me rephrase that. Let me back it up.

15 Were you already in the U.S. on a visa, BT XX,
16 when you first came?

17 A. (By the interpreter) Yes.

18 Q. And did you ultimately apply for and receive a
19 different status which would allow you to stay longer?

20 A. (By the interpreter) Yes.

21 Q. And is it your understanding that that is related to
22 what Mr. Johnson did to you?

23 A. (By the interpreter) Yes. I spoke to the attorney.
24 The attorney explained to me because I --

25 Q. I am going to stop you one second, Your Honor, just

11:54:08 1 because I think we are getting into potential
2 attorney-client conversations.

3 We'd just ask BT XXXXX to talk about not any
4 conversations but simply what it is that you were trying to
5 do. If you could translate that part.

6 A. (By the interpreter) I wanted to finish my school.

7 MR. SWEET: Okay. And, Your Honor, I believe the
8 government only has a few more questions, but I think we are
9 about at lunch, and if we could just -- I think I could
10 condense it if we could take a lunch break and finish after
11 that.

12 THE COURT: All right. Folks, let's go ahead and
13 break for lunch at this time. We'll break until 1:15.

14 (Jury out.)

15 MR. WEINERMAN: Judge, before we break, we have
16 settled on our exhibits which I would like to just read --

17 (Reporter interrupted.)

18 THE COURT: Maybe if we are going to read out
19 exhibits, we should probably have Ms. Pew here so she can
20 keep track.

21 MR. WEINERMAN: Probably would be a great idea,
22 Judge. I mean, we could do it before we start this
23 afternoon if you prefer.

24 THE COURT: Yeah, why don't we do that. Ms. Pew,
25 she is going to be really tracking which exhibits are coming

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in.

All right. Thank you.

(Recess.)

1 I hereby certify that the foregoing is a true and
2 correct transcript of the oral proceedings had in the
3 above-entitled matter, to the best of my skill and ability,
4 dated this 7th day of May, 2018.

5
6 /s/Kristi L. Anderson

7 Kristi L. Anderson, Certified Realtime Reporter
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